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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		09/628,831	07/31/2000
First Named Inventor  Michael K. Hargens		Art Unit	Examiner
		2143	Alina A. Boutah
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,549</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>Signature <u><i>Kyle J. Way</i></u> Typed or printed name <u>Kyle J. Way</u> Telephone number <u>(720) 562-2283</u> Date <u>10/10/2006</u></p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael K. Hargens et al.

Confirmation No.: 5162

Application No.: 09/628,831

Group No.: 2143

Filed: 07-31-2000

Examiner: Alina A. Boutah

For: DYNAMICALLY PROVIDING COMMUNICATION ACCOUNTS USING A  
COMMUNICATION ACCOUNT SYSTEM

**Mailstop: AF**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

**Introductory Comments**

In response to the advisory action dated September 11, 2006 (hereinafter “the advisory action”), the Assignee requests review of the final rejection in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith. The review is requested for the reasons provided in the following remarks.

**Remarks**

Claims 100-119 remain pending. Claims 1-99 were canceled in previous responses. Claims 100-119 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0046255 to Moore et al. (hereinafter “Moore”). (Page 2 of the final Office action dated June 15, 2006, hereinafter “the final Office action.”)

Method claim 100 provides, in part, “*in a first one of the web-sites, interacting with a first one of the end-users over the Internet, and in response, transferring a first communication account request over the Internet to an account server....*” (Emphasis supplied.) Further, claim 100 provides “*in the account server, validating the first web site in response to receiving the first*

*communication account request, ... and transferring the first account code over the Internet to the first web site.”* System claim 110 incorporates similar provisions. The final Office action alleges that each of these limitations is taught in Moore. (Pages 2 and 3 of the final Office action.) The Assignee respectfully disagrees, and believes such allegations represents clear error in establishing a *prima facie* rejection under 35 U.S.C. § 103. The Assignee thus respectfully requests review of the rejection for at least the following reasons.

#### Moore Does Not Teach or Suggest an Account Server and Communication Therewith

Generally, Moore discloses an open network architecture system 100 which “is accessible via a network connection through the network 110, such as the Internet, for allowing a plurality of customers, such as individual end-users having a web browser, to ubiquitously access the system 100 for purchasing prepaid services and/or usage rights thereof, and managing and viewing their prepaid online accounts, etc. in real-time. ... The system 100 is associated with one or more web-sites having corresponding URLs for enabling the plurality of customers to interface with the system 100 via the network 110.” (Paragraph [0026] and Fig. 1.) Further, “[e]ach of the web-sites is maintained by web-site system hardware 120,” which comprises part of the system 100 and performs the various functions of the system. (Paragraph [0027] and Fig. 1.) One of these functions is “managing a plurality of databases connected to the web-site system hardware 120.” (Id.) Thus, the end-users communicate with the web-site system hardware 120, which directly supplies the prepaid services without communication with another system or server. Therefore, Moore does not teach or disclose “in a first one of the web-sites, ... transferring a first communication account request over the Internet to an account server,” as provided for in claim 100, and incorporated similarly into claim 110, since Moore does not disclose a separate account server, much less a website *and* an account server *communicating over the Internet*.

Moore also discusses allowing customers of outside system operators to utilize the system 100 by way of network hardware 180, such as a server and a gateway coupled to the web-site system hardware by way of a *dedicated link*, and hence not over the Internet. (Paragraph [0041].) The network hardware 180 thus allows the operators to offer their own prepaid services by way of the system 100. (Paragraph [0041].) In the same fashion as described above, the end-user interfaces “with the web-site system hardware 120 via a web-site associated with the

website system hardware 120 and personalized for the outside system operator(s).” (Paragraph [0042].) Moore also proposes hyperlinking the customer to the web-site system hardware 120 via the operator’s own website. (Paragraphs [0041] and [0044].) Hyperlinking thus brings the end-user in direct communication with the web-site system hardware 120. Therefore, in the case of an outside system operator, Moore does not teach or suggest a separate account server, or communications between a web-site and an account server over the Internet, as provided for in claims 100 and 110 of the present application.

The final Office action indicates that paragraphs [0010; 0016] of Moore teach a website transferring a first communication account request over the Internet to an account server. (Page 2 of the final Office action.) However, paragraph [0010] only describes a subscriber accessing a signaling agent’s website to purchase additional time for a service, while paragraph [0016] generally describes the system shown in Fig. 1, which contains several databases coupled with the web-site system hardware 120, and “a network [110], such as the Internet, for providing customers with ubiquitous access to the databases for viewing and managing prepaid online accounts....” No mention is made of a separate account server, or communication between the website and the account server of a communication account request over the Internet.

In its Response to Arguments, the final Office action further indicates that accessing the signaling agent’s website to purchase additional time for a service, as discussed in paragraph [0010], “is interpreted as ‘in a first one of the web-sites,’ and the signaling agent’s processing the user’s information is interpreted as ‘transferring a first communication request over the internet to an account server’ as claimed.” (Page 5 of the final Office action.) This stance is reiterated in the advisory action. The Assignee respectfully disagrees with these interpretations of Moore. As provided for in claims 100 and 110, an end-user interacts with the first one of the websites *over the Internet*, and in response, the website transfers a first communication account request *over the Internet* to an account server. In other words, the claims provide for (1) interaction between the user and the website over the Internet, and also provide for (2) a communication account request from the website to an account server over the Internet in response to the interaction between the user and website. Moore, at paragraph [0010], only discusses a user, a website, and Internet communication therebetween for purchasing additional time. Moore does not discuss a separate account server, or Internet communication between the website and an account server, as provided for in claims 100 and 110.

The Response to Arguments of the final Office action, as well as the advisory action, also state that “the features upon which applicant relies (i.e., separate account server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.” (Pages 5 and 6 of the final Office action; citations omitted.) The Assignee respectfully disagrees, as the account server is positively recited in both claims 100 and 110. Further, since the account server receives a communication account request from the website *over the Internet*, validates the website, and transfers an account code *over the Internet* to the website, the website and the account server provided in claims 100 and 110 are indeed separate entities and are positively recited in the claims. As a result, the Assignee is not reading the limitation of the account server into the claims.

#### Moore Does Not Teach or Suggest Validating a Website

Moore does not teach or suggest “*validating the first web site* in response to receiving the first communication request,” as the web-site system hardware 120 of Moore is incorporated within the system 100, and thus does not require validation. In other words, since the web-site system hardware 120 is hosted locally within the system 100, the system can be trusted, and no validation is necessary. The final Office action indicates that such validation is disclosed in Moore at paragraphs [0006; 0031-0032; and 0038]. (Pages 2 and 3 of the final Office action.) However, Moore only discloses validation of a *telephone number, credit card number* or similar user identification, not *validation of a website*.

In the Response to Arguments, the final Office action further indicates that “the signaling agent’s validation of user’s information” from Moore is interpreted as the website validation of claims 100 and 110. (Page 5 of the final Office action; see also the advisory action.) The Assignee respectfully disagrees. Again, validation of user information, such as that described in Moore at paragraph [0006] to allow the user to complete a call using a prepaid calling card, is not the same as validation of a *website*.

Given the foregoing, the Assignee asserts that claims 100 and 110 are allowable in view of Moore for at least the reasons provided above, and such indication is respectfully requested.

Claims 101-109 depend from independent claim 100, and claims 111-119 depend from

independent claim 110, thus incorporating the provisions of their corresponding independent claims. Thus, the Assignee contends that claims 101-109 and 111-119 are allowable for at least the same reasons provided above regarding claims 100 and 110, and such indication is respectfully requested.

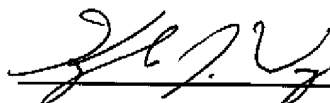
### Conclusion

Based on the above remarks, the Assignee respectfully requests the reversal of the final rejection of claims 100-119.

The Assignee hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith. The Assignee also requests a one-month extension of time under 37 C.F.R. § 1.136(a) and authorizes the Office to charge the associated fee under 37 C.F.R. § 1.17(a). The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

Date: 10/10/06



**SIGNATURE OF PRACTITIONER**

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